

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

JACKSON LEWIS LLP  
ATTORNEYS FOR DEFENDANT  
58 South Service Road, Suite 410  
Melville, NY 11747  
(631) 247-0404

ATTORNEYS OF RECORD:  
ROGER H. BRITON (RB4705)  
KATHRYN J. RUSSO (KR7252)

-----X  
WILLIAM B. DEVEER,

Plaintiff,

07 CV 04437

-against-

(Seybert, J.)

GOVERNMENT EMPLOYEES  
INSURANCE CO.,

(Tomlinson, M.J.)

Defendant.  
-----X

TO: WILLIAM B. DEVEER.  
*PLAINTIFF PRO SE*  
ECM # 53064  
P.O. BOX 4668  
NEW YORK, NEW YORK 10163-4668

**DEFENDANT'S NOTICE OF CROSS-MOTION TO STRIKE THE PURPORTED**  
**"AMENDED COMPLAINT".**


PLEASE TAKE NOTICE that, upon the purported "Amended Complaint" served on Defendant GEICO and Ralph Carrozza on November 14, 2007; the annexed affidavit of Kathryn Russo, sworn to on November 29, 2007 and the exhibits annexed thereto; the annexed affidavit of Ralph Carrozza, sworn to on November 28, 2007; Defendants' Memorandum of Law in Opposition to Plaintiff's Motion to Remand This Case to State Court

and In Support of Defendants' Cross-Motion to Strike the Purported "Amended Complaint", dated November 29, 2007; as well as Plaintiff's Motion to Remand This Case to State Court dated November 15, 2007 (consisting of Plaintiff's "Letter Motion" dated November 15, 2007, with attached exhibits, and Plaintiff's "Pre-Trial Memoranda of Law dated November 12, 2007, with attached exhibits); and all the pleadings and proceedings heretofore had herein, the undersigned will move this Court, before the Hon. Joanna Seybert, United States District Judge, Eastern District of New York, United States District Courthouse, 100 Federal Plaza, Central Islip, New York 11722, on December 17, 2007, (or other date that may be designated by the Court), for an order:

- (1) striking the purported "Amended Complaint" in its entirety pursuant to Fed. R. Civ. P. 12(f);
- (2) denying Plaintiff's motion to remand to state court, pursuant to 28 U.S.C. § 1447(e); and,
- (3) for such other and further relief as the Court may deem just and proper.

Dated: Melville, New York  
November 29, 2007

JACKSON LEWIS LLP  
*Attorneys for Defendant GEICO*  
58 South Service Road, Suite 410  
Melville, New York 11747  
(631) 247-0404

By:   
ROGER H. BRITON (RB4705)  
KATHRYN J. RUSSO (KR7252)

**CERTIFICATE OF SERVICE**

I hereby certify that on November 29, 2007, Defendant's Notice of Cross-Motion to Strike the Purported Amended Complaint and Affidavit of Kathryn J. Russo in Opposition to Plaintiff's Motion to Remand this Case to State Court and in Support of Defendant's Cross-Motion to Strike the Purported Amended Complaint, and accompanying exhibits, was served upon Plaintiff, via e-mail to fx1377@gmail.com and by First Class Mail addressed to:

WILLIAM B. DEVEER.  
*PLAINTIFF PRO SE*  
ECM # 53064  
P.O. BOX 4668  
NEW YORK, NEW YORK 10163-4668

  
KATHRYN J. RUSSO (KR7252)